McPherson/Hayden Against the Bill of Rights

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Taking the Baton

Hon. Bill Leonard
Hon. Tom Bordonaro Jr. • Hon. Keith Olberg

Barry Munitz's New Age Cal State University
By Richard Ferrier

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The PARENTS RIGHTS Coalition

FOR STRONG FAMILIES AND THE RULE OF LAW

THE PARENTS RIGHTS COALITION exists to demonstrate the breadth and depth of popular support and legal justification for California's law — once upheld, but now subjected a second time to Supreme Court review — requiring minor children to obtain their parents', or a judge's, permission before an abortion is performed on them.

The Supreme Court re-heard the case on May 7.
A decision will be handed down within 90 days of the hearing.

BACKGROUND

This law was passed in 1987 by a Democrat-controlled Legislature recognizing and encouraging parents' central role in leading children toward responsible adulthood. Signed by Governor George Deukmejian, it is supported by Governor Pete Wilson and its constitutionality was upheld in April of last year in a state Supreme Court opinion written by the Court's most liberal member, Stanley Mosk. Similar laws have been held constitutional by the U.S. Supreme Court and 70 percent of Americans believe parents have both the right and the responsibility this law enjoins.

But a tiny minority of abortion absolutists persuaded a newly-sworn-in majority of the state high Court to vote the following May 22 to re-hear the case. Even though state law requires minors under 18 to obtain parental consent before obtaining a driver's license or using a tanning facility, Attorney General Dan Lungren, whose office won this battle once, must now prepare to fight it a second time.

QUESTIONS RAISED — ACTION DEMANDED

The re-hearing threatens trust among parents and children. It undermines parental responsibility and strong families. It calls into question the constitutionality of curfew laws and other efforts to restore social stability for young Californians. Rulings that flip-flop with changes in Court membership undermine judicial independence and the rule of law. Democratic institutions are undermined when extreme political factions use the judiciary to impose their will on all of us. And, finally, what does it mean to say that, even within families, some questions (abortion, say) belong outside any definable moral framework, that we should never ask: Is it right?

If the people are not informed about what the Court is doing to them, Attorney General Lungren will fight alone against heavy odds to save this popular law. That's why The Parents Rights Coalition is sponsoring a public education program to alert the people of California that the rights of parents are too important to sacrifice to the ideological whims of left-wing extremists.

California believes in strong families, responsible parents, and judges who serve, rather than make, the law. It is time we were counted.

Join The Parents Rights Coalition today.

For information, call (805) 445-9183

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CORRESPONDENCE

Enjoyable, But Unbelievable

I enjoy *CPR* and Tim Ferguson's column. But I can't believe that if Mr. Ferguson had a 6-year-old in public school he could call class-size reduction "an expensive sop to the teachers union" ("The Working Press," *CPR*, May/June 1997). If you want to call it an expensive sop to middle-class parents like me in order to tempt us back into the public schools, I guess that would be accurate. But would you have a problem with that sop?

Larry Wilson, editor
Pasadena Star-News

Worse Than Useless

Among Lynn Sampson's sometimes intriguing, and sometimes strange, recommendations he includes "a no-load, diversified, open-ended, balanced mutual fund that is careful not to invest in tobacco, alcohol, gambling, or weapons production" (*CPR*, May/June 1997). He says the profits enjoyed by investors may almost be equaled by "the good feeling" he apparently presumes these investments will bring. I suggest that Mr. Sampson is underestimating the difficulty even of doing simple good, with regard to our own souls or to our neighbor, never mind reforming the world. For mutual fund managers, doing good means making their shareholders richer. That's their job and they betray their trust if they pursue other ends. But the good they thus do might then contribute to their shareholders' complacency. It might — probably will — increase their danger of falling into selfishness, pride, indolence, maybe even addiction to tobacco, or alcohol, or gambling. Money, someone once said, is the root of all evil.

We may indeed make ourselves "feel good" by attacking things that are misused for evil purposes, but, beyond that, we do little to alleviate real evil. Destroy the weapons? Cain killed Abel with his bare hands; men will do so again if weapons are wanting. "Gradually it became clear to me," wrote Alexander Solzhenitsyn, "that the line separating good and evil runs not through states, nor between classes, nor even between political parties, but right through the center of each human heart. And every human heart." We must change ourselves. The kind of "socially conscious" investing Mr. Sampson recommends is really the opposite of "conscious"; it's delusional: it often leaves people mistaking mere good feeling for actual good work. That's worse than useless.

By the way, the fund's 19.96 percent growth between June '95 and June '96 *is* impressive, at least compared to bank savings interest rates. It is less awe inspiring, however, compared to the Standard & Poor's 500's 37 percent return during 1995 and 23 percent showing for 1996.

Greg Sanford
Sherman Oaks

As American as Home Cooking

Regarding Andrew J. Peterson's piece on home schooling ("Who's in Charge of Johnny's Personality?" *CPR*, January/February 1997), I think every normal child should have the experience of attending an "average" school for some period during their primary education days. It is an international experience the educated populations of the world share. It is a part of life they all should share, whether class is under a banyan tree or in a classroom in a high-rise urban building. Every generation should have a memory of "formal" education as part of a shared tradition, along with Sunday School, national holidays, home cooking, grandparents, etc. Home-schoolers lack this, and, of course, traditionally-educated children lack the home-school experience. However, I believe the standard education will prevail into the next century and children growing up now should have the opportunity of having a traditional school experience. I've never seen this argument anywhere — perhaps it is part of "socialization"?

Judy Black
Los Angeles

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SACRAMENTO SPECTATOR

Unlike the last column, when your *Spectator* bemoaned a paucity of events worth spectating, things are finally hopping at the stylish salons (not to mention saloons) frequented by your trusty correspondent.

Hottest item of course is the recent leadership change among Assembly Republicans. Former Assemblyman — then Senator — now Assemblyman again Bill Leonard took advantage of the battle between contenders Tom Bordonaro and Keith Olberg to present a less controversial "third way" and was elected unanimously by GOP caucus members tired of the internal sniping.

Bordonaro played his cards smarter than Olberg did. Realizing the tide was shifting away from him, Bordonaro accepted an offer from Leonard to combine votes, putting "them" over the top. Facing certain defeat, Olberg withdrew and endorsed Leonard, insuring a unanimous selection.

Newly-minted Leader Leonard adamantly denies having to promise "anything to anybody," but the reliable word around the gin mills is that Bordonaro was promised effective control of GOP caucus staff, whatever his formal title. Solid conservative Bruce Thompson was also in the mix. He was, in fact, first choice of several conservatives. When it became apparent Thompson's reputation of being "doctrinaire" limited his chances, his supporters went mainly to Bordonaro.

Thompson himself, however, stayed neutral in the Bordonaro/Olberg jousting. He was influential in convincing Leonard to make the race and, then, in lining up votes for him. A successful businessman in his own right with one of the sharpest minds in the caucus, Thompson will guide political operations aiming to '98.

Republicans of all stripes should be delighted with the emerging Leonard/Bordonaro/Thompson team. And it is very likely Olberg will also play a prominent role. Each brings unique and particular strengths to the job. The change was accomplished with a minimum of rancor and bloodshed. Assuming they make the right staffing decisions, this new leadership team has the potential to accomplish great things.

The other tidbit burning up the grapevine here is the tiff between the state's three largest gun rights groups in the state (NRA, California Rifle & Pistol Association and Gun Owners of California) and three moderate-to-liberal GOP Assemblymen: Jim Cunneen, Brooks Firestone, and Steve Kuykendall. Seems these three worthies provided the deciding votes to spring a particularly odious anti-gun bill out of the Assembly. The gun groups were not amused. They let it be known that 1) they are in fact non-partisan; and 2) would be more than happy to support primary challengers or pro-gun Democrats against these three.

That set the three defecting Republicans, Kuykendall in particular, into a tizzy of phone calls to the gun groups, the contents of which were described to your *Spectator* as "an odd combination of bullying and whining."

For now anyway, peace reigns between the pro-gun groups and the GOP Assembly caucus. But the gun groups made their point, and your *Spectator* knows they are talking with pro-gun Democrats in the Assembly about recruiting acceptable Democrat candidates in many Legislative districts, including those of the three offending GOP incumbents.

— *A.P.C.*

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THE LAW

The New Intolerance

The Ninth Circuit imposes its morality all over the First Amendment. Has anyone heard from the ACLU?

MARK S. PULLIAM

On April 3, 1997, the U.S. Court of Appeals for the Ninth Circuit fired the latest salvo in the secular left's war against public religious expression. The court simultaneously undermined traditional morality and emboldened the already aggressive homosexual "rights" lobby. A jurisprudential hat trick. In *Lumpkin v. Brown,* the Ninth Circuit upheld the City of San Francisco's removal of Reverend Eugene Lumpkin from the San Francisco Human Rights Commission, a government agency responsible for enforcing the city's anti-discrimination policies. He was removed in 1993 by the mayor and the Board of Supervisors solely because of public statements he made concerning homosexuality. What exactly did he say? Reverend Lumpkin (presumably an ordained minister) stated publicly what many pulpits preach, what the Bible says, and what is consistent with the religious beliefs of a majority of Americans: "The homosexual lifestyle is an abomination against God" and "a sin." He also said "I believe everything the Bible sayeth," including the Old Testament's proscriptions against homosexuality. In San Francisco, the Reverend's remarks caused a sensation.

In a subsequent television interview, faced with a hostile interviewer, the Reverend refused to repudiate a specific passage in the Old Testament (in *Leviticus)* referring to capital punishment for men who sleep with men. (The Reverend did not embrace the passage, but rather than reject it he tried to explain it.) The mayor and Board of Supervisors said the Reverend's statements in effect condoned violence against homosexuals, which is certainly debatable, and that those statements justified removing him from the commission. The Reverend sued the city in federal court alleging violations of his First Amendment rights and of 1993's Religious Freedom Restoration Act which prohibits government action restricting the exercise of religion unless a compelling governmental interest exists. The Ninth Circuit rejected the Reverend's arguments and found a compelling interest justifying his removal: "the preservation of [the city's] anti-discrimination policies."

I don't quarrel with the proposition that appointed government officials can be dismissed if they oppose the laws they are supposed to enforce, but it is far from evident the Reverend did that. Moreover, the breadth of the court's decision is troubling. The Ninth Circuit implied that merely expressing a personal belief that homosexuality is a sin put the Reverend "at war," as the court put it, with the anti-discrimination ordinance and formed a legitimate basis for his removal. To make its point unmistakably clear, the court characterized the Reverend's statements as "homophobia" that "mocked" the city's policy.

The opinion's reasoning is dubious for two reasons. First, it confuses the personal belief that homosexual conduct is immoral (or, in religious terms, sinful) with the desire to discriminate against homosexuals by denying them equal access to employment and housing — an indication of where the left wants to take us using anti-discrimination laws: on a collision course with both freedom of speech and religious belief. Second, it suggests that public officials who believe in the Bible or in moral views derived from Scripture can be deemed unfit for public service *because of those beliefs,* at least if they express them publicly. If taken seriously, this would bar a majority of Americans from serving on the Human Rights Commission. Most people would agree that a Ku Klux Klansman should not be sheriff and that avowed Nazis should be disqualified from

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THE FRONT LINE

Lorelei Kinder

Republicans took New Mexico's 3rd congressional district May 13, a 30 percent Republican seat never won by the GOP, much less by a *conservative* Republican. Yet, outspent 3-to-1, Bill Redmond, one of those "right wing extremists" (and an evangelical minister to boot), is now in Congress replacing Clinton's new UN Ambassador Bill Richardson.

How could this happen? Redmond Deputy Campaign Manager Linda Dealy said the victory was due to "a strong, unabashed, unapologetic conservative message" and a "textbook grassroots effort two and one-half years in the making, spearheaded by the candidate. Bill Redmond's message was clean, clear, concise ... with no shroud of insincerity or hypocrisy."

Redmond believes in government accountable to its citizens. He is firmly prolife, pro-Second Amendment, pro-educational choice, and pro-family. He took his message from his pulpit to the people, walking and talking in his home town of Los Alamos, and then in Santa Fe. He built coalitions in the *pueblos,* the *mercado,* in the churches. He walked and talked as few Republicans have had the temerity to do. As his message filtered through the district, he gained support from National Right to Life, Christian Coalition, and, after a poll, from national GOP. Dollars for mailing and media began to arrive.

New Mexico Party E.D. Kevin Moomaw said the campaign took on a life of its own. Volunteers manned a computerized phone bank which increased personal interaction between committed volunteers and

voters, generating more volunteers and more enthusiasm while moving the message into the home.

The state Party provided automated telephone messages to Republicans from New Mexico's GOP governor and U.S. senator. "I never believed in automated messages," Moomaw said, "but now I am a convert." The calls moved the Republican base to vote, absentee and at the polls. "I was amazed at the impact [of] a phone call from our governor, even though it was computerized ... far more effective than the paid telemarketer calling from Illinois or California. The proof was in the turnout ... Republicans voted. Democrats stayed home." That base plus Redmond's non-traditional Republican coalitions provided a 3,000-vote victory.

Redmond's candidacy benefitted from its opposition, Democrat Corporations Commission member Eric Serna. During the campaign, a tabloid published a Serna "dossier" documenting ethically questionable actions (indelicate souls call them "sleazy") by the candidate while in office. Redmond's troops promptly forwarded the item to Democrat voters. Dirty trick? No, just good campaigning.

Conservative candidates win when they are principled, committed, and unafraid to show it. Grassroots operations work when volunteers are given sound messages *and* effective tools to deliver them. New coalitions, crossing party lines, can be built on issues of family, home, children, and church. Conservatives may follow Bill Redmond's leadership in 1998 — *or* they can huddle under a mushroom, intimidated by carping from the "politically correct" left, spouting fuzzy rhetoric, trying to out-Clinton Clinton, as though their objective was not to appeal to voters but to please their opponents, which they can best do, of course, by losing. Which will it be? **CPR**

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government service enforcing discrimination laws (although communists holding endowed chairs at public universities is apparently OK). But is it appropriate to extend this analogy to a Christian minister opposed to homosexuality? The implication that homosexual conduct is the same as race and that religious beliefs condemning it equal racial bigotry insults Jewish and Christian moral teaching.

REVEREND LUMPKIN may have been a poor choice for the San Francisco Human Rights Commission and his public statements may have been tactless and inflammatory. (He might, for instance, have emphasized that he hates the sin, but loves the sinner.) Bad facts often make bad law, and this case is loaded with both. But I am especially bothered by the court's *tone,* which seems affirmatively hostile to religion. Publicly professing religious beliefs is characterized as fostering "intolerance." Biblical morality is termed "homophobia." Condemning the homosexual lifestyle is deemed to be a betrayal of the public trust. Remember, this is not some politician sharing his views. It is the "non-political" judicial branch speaking in a formal opinion: a statement, that is, of the law we *must* obey. One need not believe in divinely-inspired natural law to question a political order so at odds with our religious heritage. Remarkably, a First Amendment that protects flag burning, pornography, public obscenity, and every sort of blasphemy and vulgarity, does not protect an ordained minister's biblical teachings. (Where was the ACLU in this case of censorship?)

Modern liberalism could not succeed without the complicity of the intellectual class, and especially the news media, in overlooking its own hypocrisy. Liberals pride themselves on their commitment to "diversity" and "tolerance," yet they are rigidly intolerant of opposing viewpoints. Thus the left's devotion to politically correct speech codes and to race or sex discrimination disguised as affirmative action. Like the sycophantic subjects in "The Emperor's New Clothes," no one dares mention what all can see — the Emperor is naked. Atheists, secularists, and their allies in the ACLU have banished prayer, crosses, crèches, and most other religious symbols from public property, turning our society into what Richard John Neuhaus calls a "naked public square" devoid of any acknowledgment of God. We've come a long way since 1776, when the Founding Fathers paid tribute to "Divine Providence" and declared as *self-evident* that our inalienable rights are endowed *by our Creator.*

The zeal with which opponents of religious expression seek to suppress it cannot be explained merely by well-intentioned concern for the establishment clause of the First Amendment. The desire to stamp out every sign of religious belief from public view is inexplicable unless motivated at least in part by hostility to religion. This is a troubling — and baffling — phenomenon in a nation that is among the most religious in the world. Even Supreme Court Justice William O. Douglas, hardly his generation's Pat Robertson, declared "We are a religious people whose institutions presuppose a Supreme Being."

The U.S. Supreme Court exhibited the same scornful attitude toward traditional morality reflected in *Lumpkin v. Brown* last year in *Romer v. Evans,* declaring unconstitutional Colorado's Amendment 2, an initiative that prohibited state and local legislation creating special privileges for homosexuals. The Supreme Court viewed Amendment 2 as an example of irrational "animus" toward a particular group. That our Judeo-Christian value system has condemned homosexual behavior for thousands of years elicited nary a comment in the majority decision. The opinion simply concluded, without an explanation, that Amendment 2 was not rational. It was apparent that the majority disagreed with the merits of Amendment 2, but under a "rational basis" standard, mere disagreement by reviewing courts isn't enough to invalidate a law under the 14th Amendment's equal protection clause. Courts are not supposed to review the wisdom of laws, only their constitutionality. The Supreme Court's *Romer* decision came close to ruling America's Judeo-Christian religious beliefs irrational and entitled to *no weight* in the political process. This would surely puzzle George Washington, whose 1796 Farewell Address warned against indulging "the supposition that morality can be maintained without religion."

IN HINDSIGHT, we see the voters in Colorado were prescient. Amendment 2 was designed to avert the collision between public policy and private beliefs represented by *Lumpkin v. Brown.* Here is the dilemma: Existing anti-discrimination laws applicable to private sector landlords, employers, and businesses for the most part proscribe discriminatory conduct and harassment based on immutable characteristics such as race, sex, and national origin. A societal consensus exists that such discrimination is bad. Homosexuality is different; it is not immutable and no societal consensus accepts it as equal to heterosexuality. It is therefore dangerous, as *Lumpkin* shows, to extend anti-discrimination laws to include sexual behavior most consider unnatural and immoral.

Religion, of course, is not immutable, and many

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LEGISLATIVE FILE

Welfare reform and tax cuts dominated legislative business as *CPR* went to press. As June ended, predictions for passage of the 1997-98 state budget ranged from July 10 to 17, with welfare and taxes the critical areas of disagreement.

An effective work requirement for able-bodied welfare recipients is the centerpiece of the Governor Wilson's welfare reform. Wisconsin's welfare caseload has dropped 60 percent since its 1986 work requirement was enacted. New York City's two-year-old work requirement saved $165 million its first year. The city's caseload total is currently falling at a rate of 10,000-per-month.

Federal welfare reform limits federal welfare assistance to no more than 60 months cumulative and requires work for a check. California Republicans would allow new welfare applicants 12 months of aid out of each 24-month period (24 months out of 36 for current recipients) until the 60-month total was reached. After that, only a "non-cash safety net" for children would be provided. The Republican work requirement exempts mothers with a child less than 13 weeks old.

Schedules and status of specific bills can be found by calling the office of their author. Capitol operator: 916/322-9900. Abbreviations: AB: Assembly bill; SB: Senate bill; ACA: Assembly Constitutional Amendment; SCA: Senate Constitutional Amendment.

Democrats would permit 33 months of uninterrupted welfare and, when the federal 60-month limit is reached, would permit aid to continue at state expense for life. Work waivers would be given a woman with a child less than 2 years old, or less than 11 if "adequate child care is not reasonably available." Waivers would also be available for recipients who sign up for certain community college courses or who are "disabled," an undefined term. The Democrat package includes a $2.3 billion welfare spending hike and $1 billion in new unemployment insurance costs to employers.

Tax cuts: Assemblyman Tom McClintock pushed what he called a "working class tax cut," a proposal to raise the state income tax standard deduction to $25,000 for married couples and to $13,600 for singles. Arguing that "working Californians bore the brunt of the 1991 tax increases," McClintock said his would be "a modest tax cut of $1.2 billion, about half of the $2.3 billion in unanticipated revenues" the state said in May it expected to receive.

Social Issues: The Assembly passed two anti-family bills. AB 1059, requiring employers to provide health care benefits to their employees' "domestic partners," owed its winning margin to Republicans Brewer, Cunneen, Firestone, and Kuykendall. The GOP votes allowed Democrats Cardoza, Havice, and Machado, all considered vulnerable on family issues in their relatively conservative districts, to avoid voting for the bill. By the minimum vote of 41-38, the Assembly also passed AB 257, amending the Fair Employment and Housing Act to ban refusal to employ or rent to homosexuals.

A GOP critic of the bills said they "trivialize and undermine both the family and state government by placing the state officially in favor of sexual promiscuity. They sharply penalize and violate the religious and associational rights of anyone who would hire or rent taking homosexuality's immorality into account. It's especially a mystery why Assemblywoman Brewer, who is supposed to champion economic freedom, would support this dictatorial intrusion into minute details of running a business." CPR

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forms of discrimination based on religion are also illegal. But the left's position is precisely that homosexuality *is* immutable in the same sense as race: that's the basis for equating condemnation of homosexual activity with bigotry. This is the proposition that homosexual "rights" laws dictate we all adopt, the proposition about which the left will brook no dissent (First Amendment or no First Amendment), the proposition that makes the expression of traditional religious or moral beliefs suspect and could make such expression evidence of discriminatory motive. Laws such as Assemblyman Antonio Villaraigosa's AB 257, which passed the Assembly June 3, literally equate hostility toward homosexuality with racial and ethnic bigotry under the California Fair Employment and Housing Act. If the Senate passes and the governor signs AB 257, employers' expression of religious or moral beliefs opposed to homosexual conduct could become actionable as "discrimination" or "harassment" against homosexuals. Individual supervisors or co-workers may find themselves in the position of Reverend Lumpkin, being excoriated for believing in the Bible or expressing opposition to the homosexual lifestyle.

Just as dirty jokes can bring sexual harassment lawsuits and just as racial slurs (real or, as in Texaco's case, imagined) can lead to *million dollar* settlements, casual workplace conversation about homosexuality could lead to costly and intrusive litigation. AB 257 is not a neutral law; it takes sides in the culture war on behalf of homosexuality. In the hands of an activist judiciary, AB 257 will be a cudgel to beat righteous individuals and organizations into submission. The supporters of AB 257 regard themselves as "open-minded" and "tolerant," but they are leading a witch hunt that would make Orwell or Kafka smile understandingly. CPR

THE MIDNIGHT ECONOMIST

Kindly Advice from Old Albion

By Jove, it seems we Americans aren't taxed enough!

WILLIAM R. ALLEN

I TRY TO be patient and brave. Chin up, stout fellow, eyes front, stiff upper lip, and all that. But, made of frail flesh, I can gracefully tolerate only a finite amount of commonly found editorial economics and journalistic analytics.

An economics writer from a London newspaper visited the United States. He wrote an essay for a Los Angeles paper on the peculiarities of American local government finance. Like some Englishmen before him, he feels that Americans are not taxed enough.

"Voters here, as elsewhere in the industrial world," he tells us with proper British condescension, "have been tricked into believing that taxation is by definition wasteful; that by cutting taxes government will somehow unleash an explosion of private-sector energy that will quickly fill the vacuum left by the state; that it is better to pay a private contractor to take away your garbage even if it costs you twice as much as the public service." As an additional example of private-sector inadequacy, he notes: "It is pointless to fill the pothole outside your own house if your car is going to fall through the pavement in the next block." The writer might consider the following over tea: First, only anarchists would believe that "taxation is by definition wasteful" — and I am acquainted with no anarchists.

Second, while government is required for society, it does not follow that *more* government is surely better. There must be taxation, but do not flippantly deny that taxes can be collected ineptly on too large a scale, with government expenditures done badly on wrong things.

Third, while there *are* legitimate government projects, learning specific community preferences and pursuing them efficiently is not easily done. Political processes and machinations cannot match market pro-

William R. Allen, of the UCLA economics department, is a missionary in a so-called state school.

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cedures and mechanisms in registering demands and organizing production.

Fourth, the widespread "tax revolt" of the late 1970s had to use crude political means, so it was not implemented with refined precision. But it was a revolt against a genuine and genuinely fearsome ham-handed aggrandizement by Little Brother. From 1947 to 1975, the ratio of state and local expenditures to gross national product came close to tripling — a much faster rate of increase than for federal expenditures.

Fifth, the journalist really should look at the record of "cutting back city hall," which just happens to be the title of an enlightening book by Reason Foundation President Robert W. Poole, Jr. Looking there or in other sources, he would find that — quite predictably — in a great number of cities with a huge range of sizes over a considerable period, some sort of private-industry collection of trash has been dramatically more economical than is municipal collection. And even street repair commonly can be done better by private firms contracted by government than by workers employed by government.

Garbage collection and street repair are not the only areas where we have gained or might gain by introducing greater rationality through price-and-cost calculations by those with personal incentives of gain or preference. Among other possibilities, at different levels of government, are: urban transportation, highway maintenance and use, health care, schooling, police and fire protection, golf courses, airports and rail systems, custodial services, wastewater treatment, hospitals and paramedic services, message and parcel delivery, parks and zoos, workers' compensation, and Social Security.

NO STRATEGY, no institutional revamping, can transform an economy of inherent scarcity (as all economies are) into one of abundance. The world will, in any case, continue to be occupied by grubby and often inept people. But surveying the lessons, here and abroad, of experience with "privatization" — substituting competitive market methods and incentives for those of bureaucratic government monopolization — can provide a belated beginning of journalistic education, even for Englishmen. CPR

EDUCATION

The Bureaucrat's Superhighway

Internet computers and education: gateways or distractions?

ANDREW J. PETERSON

IN THE March issue of *New Criterion,* Hilton Kramer warns that "the bureaucratic superhighway" is the unprincipled politician's dream: "a seductively mystifying technology, the vague promise of unlimited 'educational' benefits, and the potential for creating dozens of new regulations, permits, certification requirements, and training programs — along with, of course, a vast new government bureaucracy to oversee it all."

Money, like religion, can attract very powerful forces which do not reflect the original intent of an enterprise. The project of K-12 education in California has an annual budget of more than $30 billion dollars. And the spending has accelerated. In real dollars, this is almost 50 percent more than the record set 10 years ago. Thus, when a buzzword like "Internet" or "computer literacy" arrives, it is a hot button which will be pushed for big dollars. President Clinton and Vice-President Gore, for instance, have made wiring schools and libraries for the Internet a feature of their never-ending campaign for popular opinion. In fact, Albert Gore wants to do for this information highway what his senator-father did for the interstate highway — all with federal dollars. In California alone, more than $50 million dollars was spent specifically on educational

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technology as a line item in the 1996-97 state budget for education. Innumerable other programs and grants included a budget for computer workstations and networks as well.

The implementation of any government program, including this new blitz of wiring, is a "top-down" affair. Policies and procedures are standardized throughout the province. Centralization precludes innovation at the extensions. Feedback is distant and slow to be incorporated. Technophiles may see faster communication as better communication. But unless the mind-set is one of ordered liberty, facile clicking and keyboarding will not be the sort of true literacy needed by a free people. That only comes from serious teachers and serious students working hard to master the domains of language, history, math, science, and art.

George Gilder, editor of *Forbes ASAP,* reminds that the nature of the information technology itself thrives in a decentralized context without government interference. It is true that systems are designed top-down. Yet it is equally compelling that the actual implementation occurs from the bottom upward. That is, there must be freedom for trial-and-error development with the new technologies. Networking projects in schools directed by Mike Bookey of Washington State, for instance, show that the expertise gained through installation of new systems is crucial to get the most benefit from them when they are used.

It is because of the competitive interplay in the American system that computer-based communication systems have a wondrous set of ever-improving features: resolution, speed, scalability, etc. A spontaneous order arrives as a result of unpredictable human innovation within the fixed limits of physics. Although born of the Cold War-based military-industrial complex, now without positive ongoing government regulation, the Internet is becoming a vibrant marketplace of products and services, including education. San Jose's Silicon Valley is full of funded companies (and young millionaires) for this new world.

Soon we will be able to participate in affordable classes online with the greatest scholars and experts of our day. Current schools and new educational entities will be straining for the attention of a new sort of student/customer. The federal government should give up trying to run out ahead of the entertainment parade with its FCC regulations and leave technological development to the private sector.

Likewise, computers can be of great help to the educator and the student if they are purchased, installed, and used by these individuals with their own money. The market function produces top-quality interactive courseware of great content and design. Huge amounts of federal and state funding to schools for networks, machines, and software only deliver mediocre solutions to last year's problems and contribute to further alienation of their constituents. Government grants subsidize powerful special interests and stifle innovative improvements. A vibrant free market will respond to the best offerings and induce the best educators to learn new ways to communicate knowledge and skills.

We can learn some lessons about computers and education from the Heaven's Gate tragedy at Rancho Santa Fe: good theology is still more important than smooth technology; Hale-Bopp is a comet, not a back door to glory; the use of these computer-based tools is only as good as the integrity of the users, government regulations notwithstanding. Politicians will step in with easy promises of order and excellence through public funding of new and newer educational projects. Citizen and buyer, beware of teachers like Marshall Applewhite and the Heaven's Gates that open only one way and close forever. The "Virtual Campus" must be founded on premises that are valid. CPR

THE WORKING PRESS

Validating Proposition 218

Lessons for taxpayers from the June 3 elections

TIM W. FERGUSON

Watching Willie Brown celebrate his success in getting San Francisco voters to pony up so that the centimillionaire owner of the football 49ers can build a new stadium with luxury boxes for lesser millionaires, it might have been hard to find a silver lining in the June 3 elections. Although many tax increases and spending boosts survived the local-election referenda across the state, the largely unreported and rather encouraging result was that this low-participation ballot-

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ing validated Proposition 218. This was the 1996 measure that required voter approval of local tax and fee hikes, in an extension and reaffirmation of Jarvis-Gann. Instead of spending the next decade trying to overturn or skirt this stricture, cities and counties (and school and special districts) have seen that it is actually possible to win voter approval if enough of a case is made. The challenge to organized taxpayers is similar. Proponents of more government have grown adept at using absentee ballots and otherwise manipulating the turnout in their favor. Most of the June 3 measures didn't have active opposition. One that did was a school bond in Torrance, near Long Beach, where a citizens group aided by attorney Manuel Klausner complained about the usual abuse of public facilities to promote aggrandizement by government. That bond was handily denied the necessary two-thirds approval.

After all those skeptical stories about the "agenda" of the Allied Business PAC, Rob Hurtt and Christian conservatives, we're still waiting for the mainstream press to take an askance glance at the agenda of the most powerful person in the state Assembly, Speaker Pro Tem Sheila Kuehl. All the world knows she is the first openly homosexual California legislator, but in her leadership capacity it is notable how narrow her scope has been. In her bills, she has carried water for "gay rights," the trial lawyers (*e.g.* her attempt to lift the cap on malpractice damages), and the feminist and consumerist interests she served as an attorney before gaining office. In managing debate in the house, she has shown some intolerance of the GOP minority. A homosexual politician is going to get the benefit of the doubt from journalists who abhor "gay bashing," and surely Kuehl has gotten a good ride from both political scribes and lifestyle columnists like Anita Creamer of the *Sacramento Bee*. But with all the problems that still beset the state, will someone be asking whether this ranking member has the broad middle in mind?

The remarkable saga of Gary Webb's *San Jose Mercury* series on the CIA and LA's drug trade continues. *Merc* Executive Editor Jerry Ceppos published an apology of sorts, which noted that the articles — fuel for the fire of Maxine Waters' grievance claque in South Central — had failed to prove their central conspiracy point. Now we learn from a lengthy *New York Times* account ("Reverberations from a Flawed News Story") that many who've dealt with Webb over the years, including quite a few of his colleagues at the *Merc*, consider him a loose cannon. After an in-house review of an earlier Webb exposé, on a Tandem computer pact with the state of California, the *Merc's* Lee Gomes concluded the story was fundamentally wrong. *San Francisco Examiner* Managing Editor Sharon Rosenhause has asked a regional press group to rescind its Journalist of the Year award to Webb. The lesson here is that readers must hold editors to account when they hire and give rope to crusaders with political agendas.

Sometimes you have to hand it to Pete Wilson. In a *U.S. News & World Report* article (co-authored by liberal-minded social critic Nicholas Lemann, no less) that took a surprisingly skeptical look at President Clinton's proposed family subsidies for higher education, the governor uttered something politically incorrect and unarguably true. Clinton, he said, "takes the moral high ground that every 18-year-old must be able to go to college. This may sound noble, but it's exactly what plagues our colleges." Universal enrollment undercuts the point of higher learning. Now if Pete will only have more to say about the loopiness at Cal State Monterey Bay (see *CPR's* May/June issue)...

Wilson also has been stalwart on dismantling some of the uncompetitive labor regulations that inhibit enterprise in the state. In the face of tremendous political flak, his appointees gave California employers the flexibility to avoid hourly overtime rates as long as the workweek doesn't exceed 40 hours. Nearly every other state permits that. The governor was said to be serving his business constituency, but there is hell to pay with Big Labor. Daniel Weintraub of the *Orange County Register* saw the issue as a sure winner for the unions, all the way through 1998. Ignoring the interstate comparisons, Weintraub invoked a lot of retro imagery about bosses and working people. He may be right in his political analysis, given the recent clout of unionists at election time, but the proletariat is fooling itself to think that California is an island economy able to set its own timeclock. Besides, if the new regs inspire a continued hiring boom, employees are going to be in a better position to pick and choose the working arrangements that suit them. Already the labor markets are tight in some areas.

Sacramento County Superior Court Judge Cecily

Tim W. Ferguson is California Political Review's *press critic.*

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Bond invalidated another admirable Wilson labor policy, which finally would have relaxed the "prevailing wage" requirements for public-works projects. As Assemblyman Tom McClintock has pointed out for years, those mandates hit up taxpayers for hundreds of millions of dollars and limit competition for these jobs, all to protect high-wage union contractors. News reports on the imperial judge's ruling failed to note she is one of Jerry Brown's lingering appointees.

♣ ♣ ♣

During Southern California's recession, a frequent target of business complaints was the local Air Quality Management District. The agency's bureaucracy, headed by James Lents and governed by an enviro-dominated board of directors, sought to force carpool planning on employers and to regulate land use in order to discourage auto trips. Then there was the infamous backyard-barbeque restriction, never actually imposed. In fact, the AQMD beat a general retreat the last few years, but memories of Lents' hard-line stances linger. So in May the board, whose state and local appointees have come to reflect the growth-oriented attitude in Los Angeles, refused to renew Lents' contract.

The shocking news prompted Marla Cone, *Los Angeles Times* environmental writer, to begin a bit of front-page hagiography thus: "Ten years ago, he was the first air-quality czar to believe that the Los Angeles area would ever achieve blue skies and healthful air." Then, a few paragraphs later: "Why dismantle a team that has turned Greater Los Angeles into a global model for pollution control? Why get rid of a chief smog fighter who is endorsed by local industry leaders as well as environmentalists? The explanation isn't succinct or simple." In 33 more paragraphs, it amounted to the fact that Lents has amassed a number of detractors, not all of them on the right.

♣ ♣ ♣

Times tea leaves: If new managing editor Michael Parks plans to rein in the excesses of his troops, the naming of former *Village Voice* and *LA Weekly* honcho Kit Rachlis as "special projects editor" is a curious omen. Once confined to duties at the paper's thin Sunday magazine, which is hidden among the ad inserts, Rachlis will now have a rotating band of writers churning out "a range of pieces from daily features to literary projects," according to a Parks memo. The ethnically-mixed Kit Kats squad is overseen by deputy manging editor Karen Wada, an early czarina of diversity at the paper.

♣ ♣ ♣

The *Times* joined the backlash against "holistic teaching" with a front-page article on the demise of spelling skills among California students. Schools writer Elaine Woo is a bit uncomfortable with her realization — "Like phonics," she observes, "spelling has become political, a piston in the engine that drives the conservative critique of education" — but her article didn't mince words in fingering instructional progressives as being responsible for this "anything goes" outrage. The transformed Bill Honig fesses up again to his errors as state superintendent. Yet as with many of the critiques of the idiocies of modern math and reading policies, this account left a political scorekeeper wondering how Honig alone could have led California down the road to instructional hell. Where were George Deukmejian's state Board of Education appointees?

♣ ♣ ♣

Journalists love trains, too, we know that, and "non-polluting" vehicles, too. GM-Saturn's electric car, the EV1, has been able to milk the soft hearts and soft heads for a trunkload of free publicity. Remember the movie stars who supposedly snapped up leases the first day the cars were available last fall? And how could you not stumble across the photos in the local papers every time some bank or shopping mall installed a charging station in the parking lot?

On top of the good press, Saturn is spending a reported $10 million advertising the EV1 in Southern California and Arizona, where the car is available for lease (at upwards of $35,000 apiece, it's too expensive to sell). The company markets the thing like crazy, displaying its sleek (if you like Citroens) frame at spectator events. Good, clean fun.

But lately word's begun to trickle into a few news sections that all the hype has produced few real customers — 176 by the end of April, to be exact. It further would be interesting to know how many of those folks actually rely on the 80-mile capacity EV1 for their transportation needs. Safe to say, this experiment has not set the road on fire. General Motors will survive — unlike Malcolm Bricklin, who went bankrupt with his electric-powered bicycle (more recent hype) — but the state of California ought to take a deep smoggy breath before it gets serious again about mandating battery technology as a power source for a significant number of vehicles in the state.

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An ad in the *OC Business Journal* reads, "Which Orange County newspaper brings you the conservative commentary of Ken Khachigian?" The *Times* Orange County. They're overtly trying to position themselves to the right — *hmmmmm.* CPR

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In the interest of robust public debate, CPR shares the following correspondence to a state senator of the Party of Ronald Reagan upon his alliance with Tom Hayden against the Bill of Rights.

GUN OWNERS OF CALIFORNIA
INCORPORATED

10100 Fair Oaks Blvd., Suite 1 • Fair Oaks, Ca 95628
(916) 967-4970 • FAX 967-4974

June 12, 1997

Senator Bruce McPherson
State Capitol, Sacramento, CA. 95814

Dear Bruce:

I was surprised and disappointed to hear that you had signed on as a co-author to SB 513 (Hayden) and AB 532 (Knox), bills that would limit the number of firearms that law abiding citizens may purchase in any month. Both of these bills place a totally arbitrary limit (arrived at in the bowels of the Handgun Control Incorporated offices in Washington D.C.) on the number of times a citizen may exercise a right enumerated in the Bill of Rights in the U.S. Constitution.

I can't help but wonder — after you, Tom Hayden, and the other gun confiscators at Handgun Control get finished raping the Second Amendment - which constitutional liberty is next?

Newspapers disseminate incorrect and sometimes dangerous information every day. Let's limit them to publishing once a month. What about religion? Given that 39 people recently took their own lives in San Diego in the name of a "religion," why not limit church services to a maximum of once a month? After all Bruce, "...if only ONE life is saved..." You know the rest of that one.

And now that we've taken care of the First and Second Amendments, how 'bout those pesky other ones? What truly innocent citizen should need to plead the Fifth Amendment more than monthly? What really law-abiding person would need to be secure against unreasonable search and seizure more than once every 30 days?

And how 'bout this inconvenient Seventh Amendment? Surely no honest citizen would need to be guaranteed the right to a trial by jury more than once a year.

Think of all the governmental efficiencies you and Senator Hayden will be able to claim when the rest of the Bill of Rights has been "refined" like you propose to do to the Second Amendment.

I can only hope that you signed on to these abominations without truly understanding all the implications. I shudder to think that you actually believe in letting the government place a "use limit" on the most basic of our constitutional liberties.

You are equally mistaken if you think this embrace of big brother government will make the gun-phobes and ultra liberals in the Democrat ranks "go easy" on you next election. Given the choice between a phony and the real thing, they will chose the real thing every time - the Democrat. All you may accomplish continuing down this path is the permanent erosion of your political base. You've certainly made a good start at that in the eyes of the 2,000 members of Gun Owners in your district.

And one last note on your new political mentor, Senator Hayden. Back in the late '60s when Tom and his friends were founding the SDS, they spent most of their time throwing blood on returning Vietnam veterans, burning American flags and waving Viet Cong flags.

They did however take time out from publicly defaming America to write a guiding document for the SDS, called the Port Huron Statement. One of the planks in that statement calls for the total elimination of the private ownership of firearms in the United States.

Welcome to the revolution, Bruce. There is an old saying that when you lie down with dogs you get up with fleas. I'll be sending along under separate cover a couple of Hartz 90-day collars. You're going to need them.

Sincerely,
Bill Saracino, executive director

Dedicated to crime control not gun control

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Taking

Conversations with California's new Assembly Republican Leader and two likely members of his team.

Tom Bordonaro
(R-Paso Robles)

CPR: How critical are next year's elections?
Bordonaro: Minority parties usually do well in off-years, but that may not be the case here. We are in serious trouble. We may not be able to get 38 or 39, let alone 41. We may just be able to hold 37. We're not sure how Prop. 208 and open primaries will play, but if we 37 don't pull together and coordinate with the Party and if the central committees and our grassroots organizations don't become active, we could be out of the picture for a long time. If we don't re-take the Assembly and if Dan Lungren doesn't win the governorship, they will re-district in 1999. They don't have to wait until 2000. They'll do it when they have the executive branch and both houses and we'll be out of power for a dozen years. They could do it in the next session.

CPR: Are the Democrats pulling together better than Republicans?
Bordonaro: They are not anywhere near where they should be, but they are ahead of us. And they already have the hill. We have to be smarter, better, and more organized and re-take that hill.

CPR: Are the policies and politics there for you to re-take it?
Bordonaro: We have a real problem in that we separate politics from policy. You cannot pass policies without the politics to put you in power and you cannot do a good political job without the policy. First establish a vision, from that establish a strategy, then develop legislation to move forward. We lost in '92, won big in '94, lost in '96. '98 is next. People should

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Bill Leonard
Assembly Republican Leader-elect
Rancho Cucamonga

CPR: Is your first order of business filling leadership spots?
Leonard: That's my assignment the next few weeks. I want to take advantage of the transition period to talk to each member about what they want to do and where they are willing to do extra work. I don't care who were early-Leonard or late-Leonard supporters; I want the best people willing to take on extra workload to advance us to a majority.

CPR: Will the two other candidates for leader, Keith Olberg and Tom Bordonaro, play prominent roles?
Leonard: By running for leader, both Keith and Tom proved they are willing to work extra hard. I plan to ask each of them if they will participate in restoring a Republican majority.

CPR: Will you stress projecting a clear GOP alternative to voters?
Leonard: I know right now I am too focused on internal caucus and staff matters. I must get outside the building. That's my message to the other members: we enact public policy there, but policy is actually developed from our constituents, our neighbors around the state. I want to enlist all 37 caucus members to talk about issues to their constituents and to their neighbors in neighboring districts. We can do an a lot with satellite uplinks, e-mail, and such things, but nothing beats doing the job community-to-community and neighborhood-to-neighborhood.

CPR: Will you, like Dan Lungren, emphasize the grassroots?
Leonard: Absolutely. What Lungren is after is excellent. I have shared my volunteer list with his. No matter what the court decides, the message of Prop. 208 is that voters want campaigns oriented toward people. I plan to expand the caucus's grassroots committee on the member, staff, and campaign levels. And I want people more involved in discussing issues like welfare reform as well as in walking precincts.

CPR: Will Prop. 208 revitalize county parties?
Leonard: The Republican and Democrat state parties are asking for a legal ruling that the state and county parties are separate legal en-

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the Baton

Hon. Bill Leonard

Hon. Tom Bordonaro Jr.

Hon. Keith Olberg

tities, not just subdivisions of each other. If the county and the state are in effect one party, then one central computer will record all contributions and if someone made a $250 contribution in my county and a $2 contribution to another county's central committee, that would violate 208's donation limit. But if 208 is interpreted to mean each county is a PAC independent of the state Party, then each county Party and county party chairman will have clout in raising money in off years that no incumbent and no candidate will have. Then the county may be the most popular place in town.

And there is more to it than just the grassroots. In the days when parties had power, our so-called special interest groups had to be part of the Party — they had to choose between the parties. Under today's system, they can ignore the Party and go after personalities friendly to their cause. But 208 sends a very different message. Not only will volunteers be more responsible for campaigns, but the interest groups will be more encouraged to be involved in Party activities. That's where they will be asked to write checks. I have asked people to write checks to the California Republican Party more this year probably than I've done in 18 years and I suspect that is true of everybody.

CPR: Are your election priorities to lock down your base first, then to contest competitive Democrat-held seats, and only thirdly to attack Democrat strongholds?

Leonard: A district-by-district assessment is underway: not just a snapshot of last year's election, but a moving trend-line. We know populations are changing. We believe, for example, that as immigrants become citizens and start to buy businesses and establish themselves they tend to become more conservative.

The next step is to make sure every member is doing all they can to be the best Assembly member for their constituents. The base is never covered for certain, but we have to go on to look at where our friends on the other side are not doing the best job for *their* constituents because our base alone is not enough to reach the magic number 41. We talk about first protecting the base and then going out from there, but the real challenge for the leader is to get all these things going on at once. CPR

Keith Olberg
(R-Victorville)

CPR: What key issues do you see in next year's Assembly races?

Olberg: For distinguishing Republican from Democrat philosophy, the Democrats' non-response to the governor's welfare package is a fantastic gift. All 37 of us believe the governor's Wisconsin-modeled package is strong, knowing the value of requiring people to work for welfare, requiring specified, absolute time limits, and local control — critical in a state of 32 million people. The Democrats have not responded. They cannot. They are philosophically incapable of responding to how to end welfare as we know it. The Democrat majority was serious when they said they are happy to run to the Bill Clinton's left, but the people agree with *us*.

The same is true with tax relief, though it is not enough just to talk about tax cuts. Specifying the benefits they'll bring to California families is absolutely important. Education well understood is an issue Republicans can major in. We've let the teachers unions take the issue away, but, if you look at what the people think about education reform, conservative philosophy is the right philosophy. Republicans have always done well on public safety. The Democrats talk tough on crime, but have no idea what it means to protect people from becoming victims of crime.

CPR: What are Republican campaign priorities?

Olberg: You need maybe three or four game plans: one based on current law, one for what happens if 208 and/or terms limits are

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Tom Bordonaro

(Continued from page 14)

realize this battle is for the direction of the country for decades to come.

CPR: What particular skills do you bring to the GOP caucus?

Bordonaro: My college background was in management and economics and, in the past, I managed the family construction business and also I am a farmer, raising wine grapes and alfalfa in Paso Robles. I would like to apply my business skills in personnel management and marketing to focus on two goals: (1) getting to 41 and (2) protecting the members of the caucus. We can have a lean, mean, efficient team of caucus staff to establish and communicate our policies in language that shows voters we don't have horns, that Republican ideals are the ideals of average voters.

The other side is already hitting our targets. The trial lawyers, for instance, are hitting Peter Frusetta and so is the Democrat caucus with blast-FAXes into his district for votes he has taken. We ought to be able to respond rapidly, but we have no mechanism to do that. We are reactive, not pro-active. I will be driving to make sure a pro-active strategy is put in place. But this is June: more than 25 percent of the election cycle is gone.

CPR: What is the Republican Party's constituency?

Bordonaro: Those who have families, are working, have children in school, and are worried about their children's future. I get a bit of grief from my colleagues because I do not think Prop. 208 makes an awful situation. It forces us to do what we do best: grassroots politicking. When we go door-to-door and talk to real people about what is important to them, they agree with us and they vote for us. We can go into Democrat districts and win there if we run focused grassroots campaigns, along with some of the high-tech stuff — TV, radio, mass mail — which we focus on too much. Talk to groups, tell them why they have a stake in the election, involve them systematically, form volunteer networks. To a campaign, a good volunteer is worth $5,000 or $10,000. CPR

Keith Olberg

(Continued from page 15)

thrown out, one allowing for open primaries. On funding, I am certain Bill [Leonard] is looking at various options: independent expenditures, individual candidates, the CRP, 501(c)(4)s — all the options. Depending on how the law changes, if it changes, we think at least four Republicans need special attention: Robert Prenter, Peter Frusetta, Jim Morrissey, and Steve Kuykendall. Beyond that, there are five, six, or seven tiers of targeted Democrats: four or five seats in the top tier, two or three in the second tier, and another three or four or five beyond.

CPR: What about candidate recruitment?

Olberg: Things have been happening for the past five months although we have not talked about it much because we shouldn't be talking about it much. But a lot has been happening in terms of fund-raising and looking for viable candidates. Nobody from the leadership that I know of has asked Candidate X to run, but we have taken the first couple of steps including finding out who is already out there.

CPR: Will Republicans do better with the grassroots next year?

Olberg: From the non-campaign side, we have improved member services. We have educated our members regarding their job from a *non*—campaign perspective with respect to constituent services and accessibility to the community.

From the campaign side, very separate and distinct from that — that should be made very clear — we have had since early '97 a subcommittee of the Assembly Republican Caucus leadership whose focus is to put in place a strategy for grassroots organization. That strategy will certainly be implemented in conjunction with any number of candidates who end up being the Republican nominees, including Mr. Lungren.

CPR: Should a concerted, ongoing effort be made to move members out of Sacramento, talking around the state to the media and to all the people — the way, say, a gubernatorial campaign would market its candidate — explaining, defending, and whipping up enthusiasm for the Republican program?

Olberg: That discussion has taken place. I can tell you that would have been a key function of mine as Republican leader and certainly with our leadership. Quite frankly I think our Republican leadership needs to play to the strengths of each of the 37 members and I believe Bill Leonard will do just that. Each of us should be meeting with our editorial boards, strengthening relationships and talking more candidly and openly on issues that move voters. We need a more active Republican caucus. It is not sufficient for any of the 37 of us to go to Sacramento, do our work during the week, and have our district office doing district operations that are non-campaign related. It is imperative that we get out and talk with the opinion-leaders, including the media, on issues that matter to us. CPR

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Imperfect Remedies in the Realm of the Possible

Why conservatives, albeit reluctantly, support term limits

by Arnold Steinberg

IN POLITICS, the idealist reconciles pragmatics with good sense. So it is with conservatives and libertarians who favor imperfect solutions. For example, a convenient (but hardly assured) attack on liberal power is term limits. As long as liberals dominated the U.S. Congress and most state legislatures, increasing turnover seemed desirable. Term limits, by threatening the mainly liberal politicians (including powerful committee chairs) who wanted to stay in power, indirectly threatened their favored legislation which might otherwise, over time, pass.

But conservatives were not seeking merely the elimination of long-time liberals. They wanted to make it impossible forever for future liberals to remain a long time. Although replacing liberals with conservatives was the primary goal, failing that, it was thought worthwhile to replace experienced liberals with novice liberals. Furthermore, if a politician cannot succeed himself indefinitely, he is less likely to enact legislation to perpetuate his or her stranglehold on the office, meaning the kind of give-away programs that satisfy grateful political constituencies.

Yet, in the perfect world, we believe that "the people" should have a right to elect someone, even a jerk, as many times as they would like or, even as many times as they can be seduced or deceived. Certainly, there are some elected officials who acquire legitimate expertise in a field; even better, some of these officials may be sensible and even conservative, so much so, in acquiring that expertise over time, that they are better able to fight the good fight. Term limits denies us the opportunity to re-elect people we like.

The lobbyists, a mixed bag of good guys and bad guys, some of whom may, as if they are guided by an invisible hand, serve all of us even as they try to serve their own interest, probably have more influence under term limits, since the lobbyists don't have a set term. Thus, the lobbyists last longer than each class of politicians, so the contest between politicians and lobbyists may tilt toward the latter. This may be selectively, but not universally, desirable, because welfare programs for business are not great for the Republic, and the Chamber of Commerce does not always display wisdom. Then, consider the unelected permanent bureaucratic staff of the executive branch and even the legislative support departments, who, under term limits, acquire even more power, relative to the high turnover state legislatures. These career "legislative analysts" and "legislative researchers" tend toward government solutions to problems, so why provide them more influence?

Also, the term limits movement was partly borne out of a pre-1994 defeatism that never envisioned a Republican Speaker of the House. So, if we have some good people there now, we have to bet that cyclical movements will continue, and, like the stock market, with its bull and bear markets nonetheless going up over time, term limits will prove their worth, over time.

But not everyone is happy with Newt Gingrich. From all the clippings, you would think we finally did away with the National Endowment for the Arts. The fact is that Speaker Gingrich received high negatives as if he repealed the *status quo,* when he seemed to legitimize it. Libertarians believe that even "the best of us" lose our virginity, once in power. We elect "our" people to Congress, and even they vote for pay hikes or for perks, or they obsess over their "sacrifices" and insist their extraordinary pensions are jusitified. Thus, from a libertarian viewpoint, if term limits wreak havoc with the process, they may stifle government's seemingly inexorable growth.

SO WE are left with whether a questionable means accomplishes something good. And that's why many conservatives favor term limits: not because the U.S. Constitution envisioned them or endorsed them, or because they are part of government, but because they are likely, the argument goes, to do more good than harm, at least on net balance. Clearly, if we really felt the "people" were supreme, we would oppose term limits, unless of course we feel it is an inherently realistic limitation on the excesses of democracy. Perhaps it evens the odds, since the "people" cannot compete against incumbent politicians who dispense public favors, mail taxpayer-funded newsletters, and raise and spend large sums in their campaigns.

It's the same with amending the U. S. Constitution and state con-

Former Coastal Commissioner Arnold Steinberg lives in Calabasas.

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stitutions. This is rarely something conservatives do with enthusiasm. Indeed, more than 15 years ago, I surveyed only Republicans to find out why they opposed a "pro-life" amendment to the federal constitution. The dominant reason was their reluctance to amend the U.S. Constitution. Many responded that they opposed the "pro-life" amendment for the same reason they opposed the so-called equal rights amendment (ERA) — that they were wary of tampering with the Constitution.

It's the same with statewide ballot initiatives. We support them, often as a last resort, because the legislative process is barren. Proposition 13 occurred because the people were shocked to learn of a multi-billion dollar state surplus at about the same time that their property tax bills arrived with the latest in a series of annual increases.

Absent the surplus and the property tax mailing, Proposition 13 probably would have lost. The voters were not libertarian, they simply were in a tax rebellion that unfortunately was by no means permanent.

Similarly, we have the California Civil Rights Initiative, Proposition 209 — another amendment to the state constitution — not because we like to amend the state constitution, but because we said, in effect, that we don't trust the Legislature to phase out racial and gender preferences, so let's end them now. When what became Proposition 209 was first discussed, Democrats offered to deal with the issue, but we (for good reason) didn't trust them. Without the threat, they would never have opened discussion. With the threat, they still would have negotiated in bad faith.

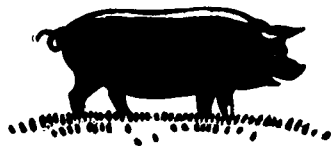
So, winding its way through the courts toward final success, is an amendment to the state constitution to do what a generation ago no one expected was necessary: a simple prohibition of racial and gender discrimination by government.

It takes enormous time to enact term limits or amend the state constitution, and we seem to be doing so to restore sanity to government. Simply put, we don't want the inmates running the asylum, or at least, not for very long. And when they are in charge, we want increasingly well-defined parameters to control their mischief.

We should wish we didn't have to do these things. CPR

California's Dirty Little Secret

Democrat pork-barrelers found Prop 13's two-thirds legislative vote rule for tax increases inconvenient. So, for 16 years they've ignored it.



by Jan Goldsmith

IT WAS late in the evening during the June 5 session when the Democrats tried to pull the wool over our eyes by raising taxes with a simple majority vote. Before the measure was taken up, I quickly pointed out that the state constitution requires a two-thirds vote to pass a tax increase. Speaker Pro Tem Sheila Kuehl immediately referenced a Legislative Counsel opinion and stated that the measure required only a simple majority vote because it was "revenue neutral." Her ruling was challenged by Republicans, a challenge subsequently rejected by the Democrat majority. The measure passed with the minimum 41 votes.

This is California's dirty little secret. For 16 years, the Democrat majority in the Legislature has been raising taxes in violation of our constitution by skirting the requirement that such measures clear both houses of the Legislature with a two-thirds vote. The perpetrator lurking behind this injustice is none other than Willie Brown Jr., the former Assembly Speaker who made his own rules and governed with an iron fist.

Since 1981, the Assembly and Senate have been raising taxes, in defiance of constitutional safeguards, based on a legal opinion issued by Legislative Counsel. What does the opinion say? Nobody really knows. Brown kept the legal opinion under wraps, perhaps to avoid public scrutiny. Even today, when other legislators request a copy of that opinion from the Legislative Counsel, they are told that it is a secret, protected by attorney-client privilege.

When voters approved Proposition 13 in 1978, they amended the

Jan Goldsmith (R-San Diego) represents the 75th Assembly District in the California Legislature. Former chairman of the Assembly Committee on Banking and Finance, he is the author of Assembly Constitutional Amendment 1, a balanced budget proposal for California.

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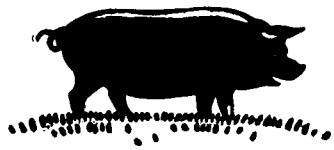

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constitution to add Article XIIIA (3), stating that "any changes in state taxes enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature...."

THE ANALYSIS of Proposition 13 contained in the 1978 voter guide described this provision in plain English: "This initiative would require a two-thirds vote by the Legislature to increase state taxes."

In fact, all the literature surrounding Proposition 13 described the initiative as requiring a two-thirds vote by the Legislature to increase taxes. In his book, *I'm Mad As Hell,* Howard Jarvis wrote, "...we made it possible in 13 for government officials to raise taxes — but only if they could get a two-thirds majority in favor of higher taxes." A publication of the People's Advocate, co-sponsor of Proposition 13, stated, "it is time to impose a two-thirds legislative vote requirement instead of the simple majority at present for raising state taxes."

If the constitution is so clear, how did Brown and his colleagues manage to circumvent this two-thirds vote requirement? Simple. Article XIIIA (3) requires a two-thirds vote where the tax changes are "enacted for the purpose of increasing revenues." Brown reasoned that increasing taxes for the purpose of decreasing someone else's taxes is not "for the purpose of increasing revenues." He labeled such measures "revenue neutral" and ruled that they were exempt from the two-thirds vote requirement.

It's a clever bit of analysis, but it's wrong. By definition, all tax increases are "for the purpose of increasing revenues." It is irrelevant that the increased revenues might be earmarked to cover the cost of giving someone else a tax cut. The constitution does not make any distinction as to how the increased revenues should be used.

Proposition 13 was designed to protect people from tax increase measures that couldn't muster two-thirds support. Those who are hit by tax hikes through so-called "revenue neutral" legislation feel the same impact as those who are hit by tax hikes through other legislation. For instance, why should those in charge of fish-habitat restoration projects enjoy a tax cut at the expense of a tax increase against the timber industry? This actually happened, with less than a two-thirds vote, under Assembly Bill 2925 (Sher) — Chapter Number 1296, Statutes of 1994. The point is, each taxpayer is entitled to the same constitutional protections, regardless of how the state is impacted.

Why should those in charge of fish-habitat restoration projects enjoy a tax cut at the expense of a tax increase against the timber industry?

Willie Brown's exception is not found in the Constitution, was never discussed during the debate on Proposition 13, and has never been upheld by any court.

The danger of this dubious exception is in the details. Revenue neutral does not necessarily mean *"revenue neutral."* It means, at the time the legislation is proposed, it is *estimated* that it will be "revenue neutral." Estimates are often wrong and can easily be manipulated. Years later, we might find that the tax increases under a "revenue neutral" bill far exceeded the tax cuts. In fact, a request to determine these outcomes was recently submitted to the Legislative Analyst's Office. Soon enough, everyone will know what the real effect of a "revenue neutral" tax hike is.

Moreover, with the advent of "negative" tax credit proposals which give tax credits to people who don't pay any taxes, this exception could actually be used to further a new-age entitlement plan. Under Willie Brown's exception, a full-scale tax hike and subsequent redistribution of money could easily be achieved with a simple majority vote.

The California Supreme Court has warned that opponents of Proposition 13 have and will "cut a hole in the financial fence which the people in their constitution have erected around their government. Governmental entities may be expected, instinctively, to pour through the opening ... limited only by their ingenuity."

IT IS time to plug the opening that Willie Brown's ingenuity created 16 years ago. No more tax increases should ever be approved without a two-thirds vote. Those tax increases, which were illegally imposed over the years, should be rescinded and equity should be done. As John Marshall, the first Chief Justice of the U.S. Supreme Court, wrote, "An act of the legislature, repugnant to the constitution, is void." Even Willie Brown, the Imperial Speaker himself, cannot change this self-evident truth. CPR

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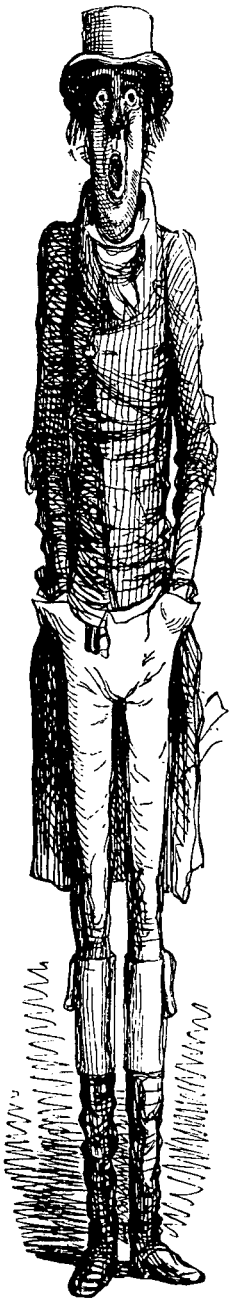
A Union Fat Cats' Weight-Loss Plan

by Leon McKinney



Want real campaign finance reform? How about banning unions' practice of using forced union dues to elect radical politicians and support left-wing causes union members don't support? Giving ordinary Californians more say in our politics — don't hold your breath waiting for Common Cause to endorse this reform.

THE CURRENT hub-bub over campaign finance started with Republicans alleging that the Clinton-Gore international election machine — the Clinton-Gore campaign, the Democrat National Committee, the AFL-CIO, Indonesia, Taiwan, and Red China — committed massive violations of federal laws covering campaign contributions and expenditures in 1995 and 1996. Naturally enough, Clinton and Gore denied doing any such things, made the excuse they had to do it to save the Republic from GOP "extremists," and promised never to do it again. Since then, the Democrat establishment and its media echo chamber have transformed a matter of alleged Democrat lawbreaking into a sort of "no-fault," "everyone does it" "problem" demanding "bipartisan campaign finance reform" as a solution. Gore has taken some heat, but that's his own fault, due to his typically wooden "no controlling legal authority" press conference.

Good government goo-goos like Fred Wertheimer's Common Cause have jumped on board the Democrats' and media's "campaign finance reform" bandwagon. The goo-goos wring their hands that campaigns have become so expensive that politicians have to spend all their time raising money and become owned by special-interest PAC sugar daddies. It's considered bad taste to mention that this problem was created by the last round of "reform" pushed through by Common Cause in 1974, which limited annual contributions from individuals to $1,000 ($5,000 from PACs). You see, liberals have the constitutional right to promote solutions for problems resulting from their solutions to previous problems without the embarrassment of having to discuss their manifest failures or why we should listen to them this time around.

Campaign costs are driven by the costs of television ads, compared to which $5,000 is chump change. Thus politicians' constant need to recruit new financial supporters and return to old ones. Meanwhile, unlimited amounts of "soft-money" can be contributed to and spent by political parties and labor unions, *i.e.*, the AFL-CIO's $300 million 1996 GOP-

Leon McKinney is contributing editor of California Political Review.

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bashing ad campaign. But even with all this outside help, the poor president was forced to scrounge for money in a most demeaning way. The solution from Fred and company is to restrict *further* the money that mere American citizens can raise and spend. Politicos and parties and labor unions then will presumably stop buying 30-second television sound bites and return to the days of reasoned civic debate and whistle-stop, person-to-person campaigning. Right.

WHILE THE goo-goos may or may not have good intentions, there's no doubt what liberals really want. As House minority leader Dick Gephardt said earlier this year, "what we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. We can't have both." Even more directly, Democrat Party Chairman Roy Romer, while conceding that political speech "is a constitutional right," bluntly admitted the Democrats' goal is "to find a way to limit it." Tom Bethell is dead right when he writes in *The American Spectator's* June issue that liberals "want to take and redistribute money politically without having to deal with a rational response from its present possessors or its potential acquirers. They want to outlaw any organized response to their organized larceny." The same folks who demand First Amendment protections for people who defecate on and burn American flags and who spend taxpayer dollars financing Chris Serrano's dunking of crucifixes in urine find speech freedom for their political opponents just too dangerous a liberty to leave unrestricted.

About all this we hear strangely little from the *New York Times,* the *Washington Post,* and the rest of the media elite (with the prominent exception of the *Wall Street Journal),* whose more usual practice when assaults on free speech surface is, again quoting Tom Bethell, "to flourish the First Amendment in our faces as crucifixes before vampires." Why? Because anti-free speech campaign "reform" means that while owners of newspapers and television networks who want to support a candidate (*i.e.* Al Gore in 2000) will face no limit on how much ink or airtime they can allocate, anyone (such as the GOP) who wishes to buy full-page ads or 30-second commercials opposing Vice President Tree will be even more severely limited than now. ACLU President Nadine Strossen figured this out but expressed concern only over what conservative media owners like Rupert Murdoch might do.

Here's a thought: instead of debating new ways to restrict our First Amendment rights, how about restoring some of those rights to a category of people — union members — currently denied them? Some people in Orange County are proposing just that.

In 1994, Mark Bucher, Frank Ury, and Jim Righeimer founded a group called the Education Alliance to promote and support school board candidates who pledged to work for returning control of public schools to the students, parents, and taxpayers. Bucher, a Tustin small business owner, is the Alliance's executive director. Ury is a former member of the Saddleback Valley school board who was such a thorn in the educrats' and unions' sides they spared no expense in defeating him in last year's elections. Teachers unions set up a new PAC whose "apple pie and motherhood" name made it difficult for voters to determine the unions' involvement and used it to funnel more than $72,000 through it, including $40,000 direct from CTA headquarters in Burlingame. Righeimer is well known as Representative Dana Rohrabacher's campaign chairman, a leader in the effort to defeat the Orange County establishment's 1995 tax grab (Measure R, sold by the establishment's snake oil pitchmen as a way to "recover" from the county's bankruptcy), and a fierce critic of Orange County DA Michael Capizzi's politically-motivated prosecutions. The Alliance has been an unqualified success. In 1994, 12 of 36 Alliance-backed school board candidates won seats despite shocked teachers unions spending an estimated $500,000 opposing them. In 1996, 19 of 39 Alliance-supported candidates won despite even more massive teachers union spending.

NOW BUCHER, Ury, and Righeimer have founded the California Foundation for Campaign Reform which has authored the California Campaign Reform Initiative aimed at the June 1998 ballot. The initiative's provisions state that: 1) political contributions or expenditures by foreign nationals for the purpose of electing or defeating candidates would be prohibited (such contributions or expenditures for the purpose of supporting or defeating ballot measures, which is constitutionally protected, would be unaffected); 2) employers — public and private — may not use automatic deductions from employees' pay for political contributions or expenditures without annual written authorization from employees; 3) unions may not use any part of members' or agency fee payers' dues for political purposes without annual written authorization from the members or agency fee payers.

The first provision is especially popular these days, as Americans realize more every day the degree to

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which Bill Clinton has sold the country to Red China. The second and third provisions — especially the third — are designed to codify in California the U.S. Supreme Court's 1988 decision in *Beck v. Communications Workers of America. Beck* held that the National Labor Relations Act prohibits the use of compulsory dues for political, ideological, and other non-collective bargaining activities. It forces unions to return to members such amounts upon request by the member.

GEORGE BUSH'S East Coast Republicans thought *noblesse oblige* meant siding with union leaders rather than union members, so it wasn't until 1992 that they acknowledged *Beck* as the law of the land, issuing regulations requiring unions to disclose dues breakdowns publicly, and requiring federal contractors to post notices in workplaces informing employees of their rights under *Beck*. One of Clinton's first acts in 1993 was an executive order canceling both actions, yet another example of Clinton ignoring his constitutional obligation to "take care that the Laws be faithfully executed."

The unions' practice of taking members' money to advance their and the Democrats' political agendas without consulting their members or obtaining their consent is the linchpin of unions' political power. If *Beck* were enforced, who knows how many of the 40 percent of union members who vote Republican would demand refunds of dues monies spent on Democrat machine politics? It could be a whopping amount: Charlie Beck won back 79 percent of *his* total dues.

This prospect terrifies teachers unions in particular. In 1992, Washington state voters stopped payroll deductions "for use as political contributions except upon written request of the employee." One year later Washington Education Association members contributing to WEA's PAC decreased by *83 percent,* from 48,000 to 8,000. In 1995 Michigan prohibited both unions and corporations from using payroll deductions for PAC revenues, period, costing the Michigan Education Association $3.9 million every election cycle.

California still lacks such laws, but the Individual Rights Foundation, part of the Center for the Study of Popular Culture, and 700 non-union teachers ("agency fee payers" forced to have the California Teachers Association "represent" them) went to arbitration against CTA and last September won rebates averaging $300, 50 percent of their fee payments. The arbitrator found that CTA violated the 1991 Supreme Court *Lehnert* ruling which forbids unions from charging objecting fee payers for any activities "not germane to collective bargaining." The arbitrator ruled the following "non-chargeable" to objecting fee payers: more than $4 million spent defeating Proposition 174; $5 million in overhead and block grants spent by CTA; expenditure for CTA local (school district) affiliates. This year IRF is continuing the fight, and says the number of agency fee payers signed on is "overwhelming" and that even more teachers want to leave the union to become agency fee payers themselves. CTA must place the full amount of each teacher joining arbitration into an escrow account; as of last November that came to more than $1 million dollars (representing 1,700 teachers). CTA is not pleased.

Unions say it's all partisan warfare by Republican "extremists," but a January 27 *Wall Street Journal*/ NBC News poll found only 32 percent of people said "yes" when asked "should labor unions be allowed to use a portion of members' dues to support political causes and issues of interest to the labor movement." Here's who said "no": 71 percent of blue-collar workers; 70 percent of workers earning less than $20,000; 53 percent of blacks; *59 percent of Clinton voters;* and 53 percent of union households. Solid majorities of the people whom unions claim to represent don't want unions to spend their dues on politics. They want to make their own choices for political contributions.

And in California, the CFCR conducted a poll on their proposed initiative and found even stronger support. By 86 to 10 percent, poll respondents wanted employers and unions prohibited from using payroll deductions for political purposes without employee permission. When questions designed to deflate support for the initiative were included — listing hypothetical supporters (Chamber of Commerce, the GOP, etc.) and opponents (the AFL-CIO, the Democratic Party, CTA, etc.), or describing the proposal's potential impact on union political fundraising — support remained at 73 to only 18 percent against. Respondents were asked how they felt if told "your local teachers association opposes this initiative and says it will result in less money for our public schools. The teachers say this initiative will reduce their ability to make needed changes in Sacramento such as class size reduction." Support remained more than 4-1. Republicans supported the initiative 10-1, Independents 4-1, union households 4-1, and Democrats 2-1. In short, by more than landslide margins, Californians agree with Thomas Jefferson who more than 200 years ago said that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." The California Campaign Reform Initiative's signature-gathering is scheduled to begin in early July. CPR

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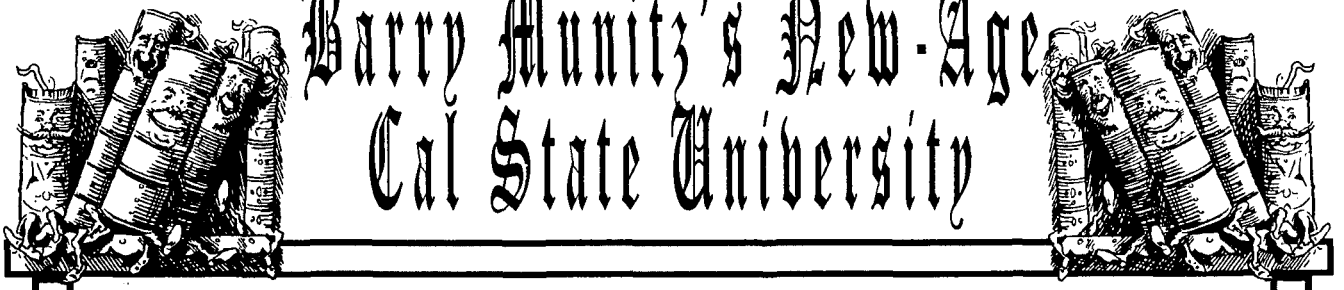

Barry Munitz's New-Age Cal State University

By Richard Ferrier

There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things.

— Machiavelli, quoted by Barry Munitz, Chancellor of California State University in *Reinventing the University,* John Wiley and Sons, 1995

If there ever was an age when the ideal of a group of scholars engaged in essential discovery and passing that discovery along to others was enough to satisfy corporate givers, legislative bodies, alumni groups, and students, it does not describe the harsher reality of the 1990s. ... the inquiries from stakeholders and constituencies now center around outcome measures, value added, and market applicability.

— Barry Munitz, *Reinventing the University*

NOBODY IN his right mind would want to read a chapter in a $150 collection of educrats' essays with the dry-as-dust title, "Managing Transformation in an Age of Social Triage," but when the author is Barry Munitz, the chancellor of California State University, the largest public university system in the world, and when he quotes Machiavelli with approval and calls for managing faculty with "pride, fear, and greed," one sits up and takes notice. Every policy-maker in the state should head for the library and see the wave of the future as it swells up at CSU headquarters in Long Beach. It's not a pretty picture.

Corporate and governmental "stakeholders" — new age jargon for "interest group" — are said to be demanding outcome based education, relevant to the job market. "Outcome based education" means politicized, dumbed down, curricula measured by administrators and self-annointed experts rather than classroom teachers and professors. The whole project amounts to an adoption of "polytechnism" on the German and East European models beloved by such luminaries as Robert Reich, Hillary Clinton, and Ira Magaziner. Faculty compensation and appointment will be governed by new "measurements of institutional quality," including such things as "manufacturing skills" and concern for "socioeconomic mobility." What these abstractions come to may be seen in practice throughout the CSU system in recent years, but nowhere more clearly than at the new campus at Monterey Bay.

Munitz calls the CSU Monterey Bay (CSUMB) facility, "a model of twenty-first century mechanics," and it is certainly the first campus to adopt wholeheartedly the reform proposals emanating from Long Beach. Those proposals call for the replacement of course and credit requirements by "demonstrated learning" or "general educational 'outcomes.'" At CSUMB, this means that students no longer have to select from courses designed to give a good general education in the traditions and accomplishments of our civilization. Instead, they are to satisfy the administration that they are "vibrant" (vibrant students seem to believe in holistic medicine, therapeutic dance, and new age spirituality), that they appreciate the value of affirmative

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action in overcoming the oppression experienced by such groups as homosexuals and racial minorities, and that they understand the influence of race and class in literature.

GOVERNMENTAL "STAKEHOLDERS" are to be assuaged not only by the multiculturalism of CSU campuses like Monterey Bay, but also by the extensive and uncompensated "community service" which the new "learning requirements" demand. Local social service agencies get free student labor, which replaces the rigor of academic course work for these new practically-minded scholars, and the faculty too are to be selected and rewarded for "a wider range of engaged scholarship in addition to teaching and research." When CSUMB was advertising for new faculty to staff the developing campus, it placed an ad in the *Chronicle of Higher Education* that included, as a requirement for appointment, "a history of success in recruiting, nurturing, and graduating student populations of great diversity."

> Munitz, a well-placed CSU insider said, is 'very excited about the political side of things,' but 'not very interested in academic affairs.'

Recently instituted merit pay "reform," a policy beloved of conservatives, has led to perks dispensed by campus presidents more on the basis of favoritism than excellence in the classroom. For example, Chico State President Manuel Esteban rejected a request for a merit raise this spring for the campus's teacher of the year, Professor Vaughan Stapleton. All agree Stapleton is an outstanding teacher, but that mattered little. He had been openly critical of the institution's management and its educational policy, specifically criticizing what he called "an effort to reshape the academic world by administrators pandering to non-academic values." So, no "merit" pay for Professor Stapleton, who answered the rejection by returning his $1,000 honorarium and firing off a stinging seven-page public letter addressed to Esteban in which he said: "This administration no longer has my respect .... I feel that those who teach as a vocation have been relegated to the dust bin to be tossed out with the next rubbish collection. I, for one, will not exit silently."

Corroborating Professor Stapleton's charges, Munitz has written that "the new breed of leader is more likely to be [found] in the newspaper and on television than in their own offices or at the faculty club .... they must also be found in the middle of messy public debates ...." Munitz, a well-placed CSU insider said, is "very excited about the political side of things," but "not very interested in academic affairs." That is, the CSU chancellor, who conceives of the university in corporate terms, is responding to his "stakeholders," a group defined by qualifications not met by mere top-quality teachers.

In the re-invented CSU, corporations are to be offered a place at the table in determining curriculum and, in return, get some juicy tidbits in the form of low-cost student labor and use of university facilities. Not all corporations, mind you. Not, for example, the family-owned small business, but the savvy high-tech boys who are negotiating with CSU brass in Ventura County for low-cost land on the old Camarillo State Hospital grounds. They should make out just fine. It's as though Munitz and company have missed all the news on the old Yugoslavia. They are avidly promoting a mixture of multi-ethnic diversity and state corporatism as though Bosnia had never happened.

Meanwhile CSU's actual weaknesses go unaddressed. For one thing, it is short of money, not because it hasn't found a clever way to co-operate with large corporations, but because too many Californians attend at too high a subsidy. The CSU fees of about $2,000 per year cover only a little more than 20 percent of the actual costs of instruction and are about 60 percent of those charged by comparable institutions in much poorer states. Half of its entering freshmen require remedial instruction in basic skills in English and mathematics.

EVEN THE corporations, the supposed beneficiaries of the polytechnic training offered by the system, are complaining. The 1997 report card issued by the American Electronics Association, representing 1,600 high-tech firms in California, gave the CSU a grade of a D+ for its success in graduating students with the skills to go to work. Low classroom standards and too many remedial students were prominent among the reasons cited for the mediocre showing.

CSU takes too many older students, part-time students, welfare recipients, and, in the recent past, illegal immigrants. Less than 40 percent of its students graduate after *six* years. Its students are apathetic, and its politics often radical. Less than six percent of the CSU Northridge student body voted in the election that

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made Vladimir Cerna, an illegal alien, Associated Students President a few years ago. Last year Cerna orchestrated an episode possessing the subtlety and art of a Bulgarian communist party disinformation exercise when he arranged to have David Duke come to CSUN to "assist" Ward Connerly in a debate over Proposition 209.

CERNA TOLD the press the Associated Students had asked Connerly first, and had only invited Duke after Ward had refused. This was a lie. I have a copy of the faxed invitation that Cerna's deputy, Philip Leonard, sent to Ward, and it clearly indicates that Duke was invited before Ward, as Ward stated in his refusal to participate under those circumstances. Cerna and the anti-209 crowd wanted Duke and Ward on the same platform at Northridge. They got Duke, who was paid a $5,000 honorarium. They also got a tape of this cynical "debate" that was subsequently shown in anti-209 television ads.

Taxpayer supported university facilities and mandatory student fees were used to finance this sham, which attracted the rent-a-mob crowd from the Bay Area and gave the media a small riot to report. Naturally this sinister little charade was portrayed by CSUN President Blenda Wilson as a free speech issue.

CSUN's President Wilson exemplifies the new leadership style advocated by Munitz. She is a darling of the *LA Times,* hobnobs with local business bigwigs, while developing a university-owned strip mall over the protests of local small business owners. An outspoken opponent of 209, she serves in the American Council on Education (the D.C. lobby for higher education) whose board was chaired in 1996-97 by none other than — Barry Munitz. Meanwhile, the six-year graduation rate at CSUN is 31 percent, even lower than the rate for the system as a whole.

If California's leaders do nothing to stop the trends at CSU, we will have a high-priced, low-quality "new age polytechnic" on our hands for years to come. Republican legislators, both in Sacramento and in Washington, appear to be ignorant and gun shy on higher education issues. GOP-appointed trustees have shown little grasp of the deteriorating state of affairs and even less will to do anything about it. Indeed, there seems to be a lovefest between CSU trustees and the Munitz administration.

Perhaps, however, there is hope for serious resistance and even amelioration from concerned faculty. Some principled professors, both liberal and conservative, are quietly outraged at the corporate and anti-intellectual management at Munitz's CSU Long Beach headquarters. The faculty Senate at CSU Hayward has registered its misgivings publicly, as has the faculty of CSU Sacramento.

You probably haven't read anything about their dissent, however. The press, with the shining exception of *California Political Review,* has been thoroughly negligent in reporting any of these matters, and the public is utterly unaware of them. Meanwhile, CSU's rot goes on, at a cost to California taxpayers of almost two billion simoleons annually.

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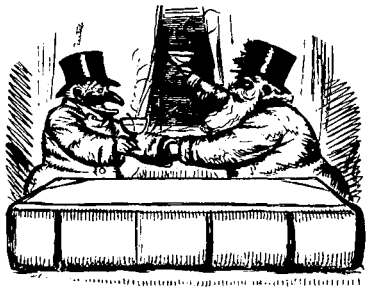

CRITICUS

Odium Academicum

BY G. B. TENNYSON

IN THE days when people cared enough about religion to fight wars over it, organize crusades because of it, split into different and differing sects for it, there was a corresponding zeal in written and verbal argumentation. Popes would issue Bulls and Bans brimming with invective and anathemata, Luthers would post Theses, Calvins would write interminable *Institutes,* and in general academics, who were after all mainly theologians, would have a jolly good time abusing one another. The intenser sort of written and verbal abuse came to be known as the *odium theologicum,* loosely rendered as "theological hatred" and held to be responsible not only for overheated argument but for the fanaticism that led to religious wars and other excesses. In these seemingly more irenic times when theologians and clerics contest with one another only for the prize of being the greater appeaser and the more abject apologist for the sins of their faith and forebears (Rome the cause of the Holocaust, Southern Baptists the inventors of slavery) the closest contemporary theologians come to that quondam enthusiasm for disputation is something like the Jesus Seminar in which biblical scholars cast variously colored beads to *vote* (yea, verily) on the authenticity of the statements attributed to Jesus in the New Testament. How much more civilized all this is, we think, than the days of hurling excommunications and dragging heretics to the stake for burning (this latter, it is said, was made the sweeter to the faithful by the winning practice of requiring the convicted offender to pay for the very stake and faggots that would roast him and send his soul to everlasting damnation).

In such a belief in our own moral superiority we deceive ourselves, of course. If there are no longer Christian crusades to liberate the Holy Land, there is the massively armed, theocratic state of Israel engaged in perpetual warfare to secure that same land for itself. If there is no longer a Thirty Years War to sunder Germany into Catholic and Protestant, there is something comparable in what are quaintly called in Northern Ireland "the Troubles." And surely, whatever other causes are operating in the Balkans to stir up that nest of vipers, religion is contributing to the mix. The U.N., the United States, NATO — sometimes separately, more often in concert — serve as our Pope Innocents, our St. Bernards, and indeed our Torquemadas, calling for ever greater international meddling, ever greater domestic sacrifice, ever more rigorous internal cleansing, all couched in the language of war and conquest. Wars on poverty, wars on hunger, wars on bigotry — well, wars on just about anything somebody in power doesn't like or thinks he ought to be perceived as not liking. Now that President Bubba has declared war on fashion photos glorifying drug addiction, why should he not also declare war on the use of astroturf in pick-up trucks?

Nevertheless, we can say consolingly, at least the *odium theologicum* is no more, and dropping colored beads

G.B. Tennyson teaches both the odium and the gaudium to be found in English literature at UCLA. His most joyous recent work is the documentary video Owen Barfield: Man and Meaning.

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into Yes, No, and Maybe boxes is much more harmless than calling for a Children's Crusade or forcing an accused heretic to commit an *auto da fé*. But as already noted, the real reason for such gentle, if ill-conceived, theologizing is that theology no longer means anything much to most people. That is to say, theology *as such* no longer means anything. But belief still matters. In these times belief has been transferred into politics and more subtly into scholarship and learning. The latter is often a kind of intellectual front for the former. And it is in scholarship and learning that the old *odium theologicum* has found a new home. We can call it the *odium academicum*, academical hatred.

Nowhere is the new *odium* more visible than on the subject of Darwinism.

NOWHERE IS the new *odium* more visible than on the subject of Darwinism. Readers will recall that in the pages of this journal two numbers back (*CPR*, January/February 1997) there appeared an abridged version of a review by Phillip E. Johnson, originally in *First Things*, of a new book on an aspect of the evolutionary debate, Michael J. Behe's *Darwin's Black Box*. No *odium* there, for Johnson is himself the author of a telling challenge to Darwinism, *Darwin on Trial* (1991), so he has no trouble accommodating Behe's argument that the "irreducible complexity" of the central element of living things, the cell, is simply not explicable in Darwinian terms. And even in the larger world of the popular press — the *New York Times, Newsweek, U.S. News and World Report*, and the like — Behe has been accorded, if not agreement, reasonably respectful coverage. But it takes another academic to draw out the knives and show us that *odium* we've been missing since the passing of real theological wars.

Such an instance offered itself to Criticus in the form of an essay on Behe's book in a little known but widely disseminated left-wing periodical called the *Boston Review*. I chose my description of the *Review* carefully, for this bi-monthly, tabloid-size newspaper publication of about 50 pages appears unbidden and unpaid for every two months not only in Criticus's university mailbox but in that of every other member of the English Department as well, and for all I know in the post of all other members of humanities and social science departments on campus, and presumably on all the major campuses of the nation, there being no special reason to suppose that UCLA alone has been selected to receive this boon. Moreover, considering that the *Review* describes itself as a "political-cultural-literary magazine" that with the December/January 1996-97 number declared its intention to include coverage of scientific matters as well, it may now be going free of charge to science departments. Altogether, then, this means some many thousands of free copies. All this for a non-profit publication with offices located in the MIT Political Science Department and charging, should one choose to pay for it, only $15 a year for individual subscriptions and only $18 for institutional ones, extraordinarily low rates. The secret to its vast free distribution must reside in the little line following the lengthy list of editors that reads: "The *Review* is published with the assistance of its readers as well as by grants from the Massachusetts Foundation for the Humanities; The Lannan Foundation; Rockefeller Family Associates." In other words, it pays to have friends in rich places.

APART FROM its presumed funding and its distribution, however, the *Boston Review* interests us here for its inclusion in the December-January number of two essays on recent popular works on evolution in keeping with its new inclusion of science as part of its coverage. One is a review of the latest book by Richard Dawkins, *Climbing Mount Improbable*, the review written by Robert C. Berwick of the MIT Center for Biological and Computational Learning. The other is a review of the previously mentioned *Darwin's Black Box*, this one written by H. Allen Orr, an Associate Professor of Biology at Rochester University. Both reviews could be said to be critical of the works under consideration, but the differences in style and character are so profound that it would be misleading to think of the two reviews as at all similar. Berwick on Dawkins is as a gently reproving mother who wags a finger at a child who has dawdled and overdosed at the candy store on the way home from school; Orr on Behe is as a harshly punitive father who must take a sinning son out to the woodshed for a

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session with the birch rod. Criticus is not going to dwell on Berwick on Dawkins and will pause only to note that in his mild way Berwick undermines Dawkins more successfully than Orr disciplines Behe. Dawkins is a notorious running dog of Darwinism (a Criticus description, please note; Berwick calls him only a Darwinian fundamentalist), and his lectern-thumping insistence on the absolute primacy and universality of gradual infinitesimal accretions as the only mode of evolution is very deftly put to rest by Berwick, sometimes with arguments that might have come from Behe — albeit Berwick is a professed Darwinist — and that unintentionally undermine Orr.

By the time Orr comes to the argument of Behe's book, he has disposed the reader to believe that, admitted or not, this is creationism and therefore rubbish. The rest is easy.

BY CONTRAST, Orr on Behe is anything but gentle, and it is as much the manner of his attack as its substance that is so intriguing, for here we have found again the long lost *odium* that gave theological debate a bad name. What is more, here we see that theology really does still lurk behind intellectual arguments. Orr's beginning sentence sets the tone and the imagery of his entire long essay, thus: "The pages of this magazine are not often taken up with reviews of creationist screeds. The stuff is, after all, intellectual junk food served up with a transparent evangelical agenda." He then goes on to say that of course Behe is not a creationist but a reputable scientist, but also goes on to devote several more long columns to pressing the creationist connection, taking swipes at Judge Bork (always certain to get the Lumpen-Left salivating), and noting that whether he wants their company or not, Behe will be embraced by "the Christian Right and allied conservative forces" (another crowd-pleaser), before saying he will now take Behe at his word and deal with his arguments scientifically. In other words, by the time Orr comes to address the argument of Behe's book, he has already disposed the reader to believe that, admitted or not, this is a piece of creationism and is therefore rubbish. The rest is easy, especially when Orr throws in Behe's own admitted Catholicism as though he has caught him out, and when he says again and again that Behe is "wrong," "very wrong," "dead wrong," "flat wrong."

Of course, Constant Readers and all others as well are going to point out that Criticus is very poorly placed to take up these scientific matters, but my defense is that what I am here dealing with is precisely the unscientific but rhetorical matters that are at least as important as the scientific ones. As far as "science" goes, however, even Criticus can see that Orr uses two hoary pro-Darwinian arguments to show that Behe is "simply wrong." One is to posit an almost infinite time span for evolution to take place. This proves nothing at all. If there is such a thing as irreducible complexity (Behe's main argument), saying that there were billions of years for it to develop by chance is no help, the point being the irreducibility of it. The other argument is that a Darwinian explanation for the gradual accretion of the parts that make for an irreducibly complex organism is that each addition was useful in its time, but that its original utility has since been absorbed into another and different utility. This is no better than the time argument, for it simply *assumes* that there must have been such a use along the way without demonstrating what it was.

For instance, Behe uses the example of a mousetrap as a contrivance that has no point or purpose except as a whole. Orr cites this example but fails to explain how there could have been some other intermediate use for some of the parts coming together by accretion over time. Nor does he (nor did Dawkins back in the day of his *Blind Watchmaker)* ever properly confute the old William Paley argument that Behe defends regarding the inference from finding a watch on the heath that the contrivance had a designer. Paley is simply held up as a figure of ridicule because many of his other examples were poor ones, which is to say that if a man says two plus one equals three and a half, he must also be wrong if he says two plus two equals four.

BUT ENOUGH of Criticus on science. Return again, Constant Readers, to the delights of the *odium.* Behe, Orr says, knows nothing about evolution because evolution is not taught in the schools (!); Behe therefore gets his evolutionary knowledge from popularizers like Gould and Dawkins ("good stuff — but no stand-in for the real thing," says Orr, which is instructive for us laymen to

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learn when we thought popularizers were there to make the real thing accessible); Behe gained a "fancy publisher" only because he was writing about Darwinism (green-eyed monster popping up? And anyway is the Free Press nearly so fancy as the pro-Darwinian Dawkins's publisher, Norton?); Behe and others "sling mud Darwin's way" (a calumny against Behe who slings no mud on this matter) because they think evolutionists won't do so (now why would they think that?); the "Christian Right" (again) thinks "evolutionists instinctively circle the wagons" when Darwinism is criticized, but it isn't so. This is quite lively stuff. Orr himself should go into, or stay with, popularizing. He writes well and vigorously, and among the foundations he would have a far richer audience to woo than the poor old trailer trash Christian Right.

IN HIS final chapter, "Science, Philosophy, Religion," Behe discussed four reasons that he believes animate the reluctance of scientists to embrace any notion of outside design, and hence a designer, in nature: chauvinism (science as the chief of all activities), history (the long record of conflict between science and religion), the "Rule" (the arbitrary definition of science that rules out all but natural causes for all things), and finally what Behe calls "philosophy" but I would call more directly "belief." This is the condition of not wanting to believe in anything beyond nature, and not wanting to believe so intensely that one actively believes in the absence, nay, the impossibility, of anything beyond nature. Thus Darwinism becomes not merely an opinion or a firmly held conviction, but a Truth, indeed *the* Truth, and so essential to one's understanding of reality that to challenge it is to do worse than blaspheme and can only be met by denunciation and total opposition. Therewith we have the rebirth of the *odium.*

Some certainly oppose presumed challenges to Darwinism in a lighter key, with a touch even of *gaudium* or joy in the procedure, as witness the exterior attachment on cars designed to counter the widely seen Christian fish symbol. The latter often bears within its stylized curving outlines the Greek word for *fish* (*ichthys* — ΙΧΘΥΣ), the letters of which have been interpreted as an acronym for: "*J*esous *CH*ristous, *TH*eou *U*ios, *S*oter" (Jesus Christ, Son of God, Saviour). The competing marker has the same stylized fish shape but reversed, the head pointing rightwards, and fitted with rudimentary feet — a stylized Galapagos tortoise? Within its outlines is the word "Darwin." Such tortoise markers can be most readily found on cars in university parking lots; the Christian fish are not very often seen there. No doubt the Darwinian tortoise is meant to be a witty riposte, but why go to such trouble? Is it not as much a confession of faith as the Christian fish? Does it not say, "I believe in Darwin," and by implication "*not* Christ," substituting as it does Darwin's name for Christ's inside the reverse of the symbol that early Christians used to mark in the sand with their feet as a secret sign of their belief, a symbol believed to be also a mystical charm?

No doubt the Darwinian tortoise is meant to be a witty riposte, but why go to such trouble? Is it not as much a confession of faith as the Christian fish?

So the Darwinian reptile operates on a lighter level, yes, but not without its own touch of the *odium.* To reply with *my* own touch, I suggest that Darwin's turtle, slouching towards Gehenna, is a candidate for that jocund, popular, unofficial honor known as the "Darwin Award." It is given to the person (here, evolutionary creature) who manages through some kind of sublime folly to do himself in, thereby removing his genes from the reproductive pool to the evident benefit of the species. The classic instance is the hapless CHP officer (name withheld but available to the curious on the marker that now commemorates him at his eponymous interchange) who drove his motorcycle and himself to oblivion on the morning of the Martin Luther King Day Earthquake when the shaker had inconveniently demolished the connection between the Antelope Valley and the Golden State Freeways, so that the road, soaring high above the ground, once supported by mighty columns, had simply ceased to exist and had come to an end in mid-air, as it were. The motorcycle and driver in the pre-dawn darkness shuffled off into nothingness, much as the well-intentioned Darwinian theory looks likely to do as science removes its support. Not that that will stop Darwinian True Believers.

To be sure, Darwinians are not alone in their zeal to defend the faith. In a recent number of a university publication generally devoted to puffery, Criticus came

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upon an attack on Allan Bloom's *Closing of the American Mind,* now 10 years old, but evidently still rankling among academics and able to rouse a kind of junior-grade *odium.* Bloom, the author told us, succeeded largely because of his timing "six years into a Reagan Revolution" that shifted discourse to the right, leaving among "the few oases of liberalism ... the universities — proud, aloof and vulnerable." (Proud, yes, aloof, yes, but *few* oases? and vulnerable?) Bloom's book subjected "the university to the dominant conservative discourse" and spawned the polemical works of Roger Kimball and Dinesh D'Souza, which turned "the tide against affirmative action and made the term 'political correctness' a household word." It was, we learn, "not difficult to find examples of political correctness, but these two writers [Kimball and D'Souza] falsely claimed that these examples were typical of university study." (If they weren't, why was it not difficult to find such examples?) All this misled the public into thinking the universities were not doing their job and "helped weaken public support for higher education." So that's what happened. I always wondered.

OTHER EXAMPLES of academic fear and loathing abound, from the ACLU on prayer in school to the revolting students responding to Proposition 209, but these are unabashedly political and activist and are readily seen for what they are. They stand to pure verbal *odium academicum* as the Inquisition to the traditional *odium theologicum.* To savor real verbal *odium* we would do best to curl up with some odious reviews. As we have.

Contest Alert! Constant Readers will want to know that in the Friday, 23rd May, "Only in L.A." column in the *Los Angeles Times,* Steve Harvey takes note of the Criticus piece in the previous number of *CPR,* "California Rhyming," and gladly accepts on his own behalf the invitation I rashly extended for him at the end of that column, though he silently modifies it from my suggestion that readers submit comic verse on the subject of names that match professions and makes it rather into a contest "to find people whose names *rhyme* [italics provided] with their professions," which may be more difficult yet. I think it should be both: comic verse in which the rhyme words are names of persons that rhyme with the professions they practice. But however it is done, the abandoned category of the Critical Contest gains a new life and a new venue. Begone *odium.* Welcome *gaudium.* CPR

BOOK BRIEF

Unconventional Wisdom: The Best of Warren Brookes

edited by Thomas J. Bray,
Pacific Research Institute, 1997, 302 pages, $16.95, paper.

Pulitzer Prizes for "distinguished editorial writing" are awarded according to a "test of excellence" that considers "clearness of style, moral purpose, sound reasoning, and power to influence public opinion ...." As Jack Shafer, editor of Washington *City Paper,* wrote, "If there were justice in journalism, [Warren] Brookes would have received a shelf of Pulitzers." Of course, it is to Brookes' credit that no such shelf-load of awards was forthcoming from the Lords of American Journalism. Unearthing and publicizing inconvenient truths when one's fellow men are making errant asses of themselves (as Bill Buckley once said, "standing athwart history yelling stop") is not how one wins Pulitzers. But it *is* how one achieves the "excellence" the award is *supposed* to recognize.

This volume is highly readable, entertaining, and informative. It is also deeply satisfying because it sets straight so many records that badly need straightening. The '80s, for one thing. For another, Brookes knows where the true moral high ground lies in America's economic-political debates: "Those tempted to think economics is divorced from moral laws," Brookes wrote in December 1991, "have neither read Adam Smith's *Theory of Moral Sentiments* nor stopped to think how value-laden the terms 'goods' and 'services' are.

"We do not, after all, measure 'bads' and 'ripoffs' as our basis for economic growth .... The message of Christmas is a reminder that the source of our real strength and ultimate wealth is not physical or material, but metaphysical and spiritual: that at their root all values, all goods and all services are the product of spiritual qualities and faith."

Brookes' *Unconventional Wisdom* shows this truth operating *even* in journalism, where telling the truth is still the best way to report the news.

— John Kurzweil

John Kurzweil is editor of California Political Review.

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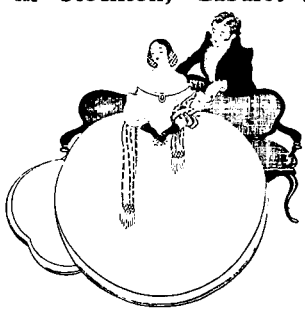

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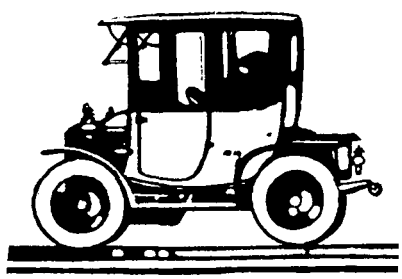

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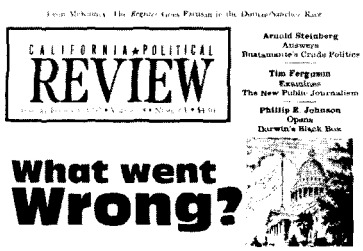

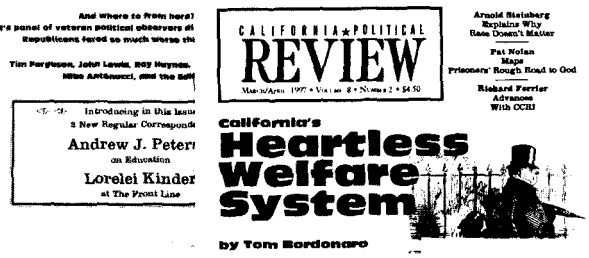

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